

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LARRY BROWN,	§
	§
Defendant Below-	§ No. 570, 2011
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
STATE OF DELAWARE,	§ for Sussex County
	§ Cr. ID 0210006454
Plaintiff Below-	§
Appellee.	§

Submitted: November 4, 2011  
Decided: November 10, 2011

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 10<sup>th</sup> day of November 2011, it appears to the Court that:

(1) On October 24, 2011, the Court received appellant's notice of appeal from a Superior Court order, dated September 6, 2011, denying appellant's motion for correction of sentence. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before October 6, 2011.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as untimely filed.<sup>1</sup> Appellant filed a response to the notice to show cause on November 4, 2011. He asserts that he has an unspecified learning disability and

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<sup>1</sup>Del. Supr. Ct. R. 6(a)(iii).

needed help to file his notice of appeal. He requests the Court to allow him to proceed with his appeal, notwithstanding his untimely filing.

(3) Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.<sup>3</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>4</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.<sup>5</sup>

(4) Appellant's untimely appeal is not attributable to court personnel. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup>*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

<sup>3</sup>Del. Supr. Ct. R. 10(a) (2011).

<sup>4</sup>*Carr v. State*, 554 A.2d at 779.

<sup>5</sup>*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).